

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :  
 :  
 Plaintiff, :  
 :  
 v. :Criminal Action No. 06-56 JJF  
 :  
 IGAL SHARON LEVY, :  
 :  
 Defendant. :

**MEMORANDUM ORDER**

Defendant, Igal Sharon Levy, filed a Motion For Release Pending Appeal/Motion to Stay Reporting Date (D.I. 25). The Government opposes the motion.

In his motion, Defendant contends the Court improperly considered Defendant's prior bankruptcies and the views of the victim and Government in determining whether to impose a term of incarceration rather than the factors set forth in Section 3553, which was a legal error. In response, the Government contends that the Court properly considered the views of the Government and victim in the context of the Section 3553 factors.


In deciding Defendant's motion, the Court has considered the requirements of 18 U.S.C. § 3143. Specifically, the Court finds that no substantial question of law or fact has been presented by Defendant that is likely to result in reversal, new trial, or a sentence with no imprisonment. The Court agrees with the Government that the matters considered and discussed by the Court at Defendant's sentencing hearing were appropriate. As a party to the case, the Government has a right to be heard at

sentencing. In addition, the victim has a statutory right to be heard at sentencing, see 18 U.S.C. § 3771(a)(4), and the view of a victim is relevant to the consideration of the just punishment factor of Section 3553. With regard to Defendant's prior bankruptcies, these events are relevant to Defendant's characteristics and personal history.

In sum, the Court agrees with the Government's arguments and concludes that the issues cited by Defendant are insufficient to support the instant motion. In addition, Defendant's request to delay his reporting date is likewise unsupported for the reasons argued by the Government.

For the reasons stated above, IT IS HEREBY ORDERED that Defendant's Motion For Release Pending Appeal/Motion to Stay Reporting Date (D.I. 25) is **DENIED**.

March 9, 2007  
DATE

  
UNITED STATES DISTRICT JUDGE